

Claims 1, 2, 4-17, and 22 have been rejected under 35 U.S.C. 102(b) as anticipated by EP 847 756 (hereinafter "'756"). As Applicant's representative discussed with the Examiners during the Personal Interview of November 29, 2001, Hepatitis C is a virus, and, as such, cannot be treated with a T-type calcium channel blocker such as contained in the claimed extract, because viral coats do not contain channels like T-type channels.

Further, Applicant submits the Declaration of Dr. Peter K. T. Pang, an inventor, with this Response in which it is stated that none of the conditions listed in the former Claim 3 (now incorporated into Claim 1) are either linked to Hepatitis C, caused by Hepatitis C, or are a secondary condition associated with Hepatitis C. Therefore, Applicant submits that the '756 reference is no longer relevant because the present invention is not being used to treat Hepatitis C or a secondary condition or symptom associated with Hepatitis C, and because Hepatitis C, as a virus, cannot be treated by using a T type calcium channel blocker (as it does not have these types of channels in its viral coat). Accordingly, Applicant requests that this rejection be withdrawn in light of the evidence presented in the Declaration and in light of the amended Claim 1.

Claims 1-17 and 22 have been rejected under 35 U.S.C. 103(a) as obvious in light of BE 654914 (hereinafter "'914"), DE 1692045 (hereinafter "'045"), and '756. Applicant submits that, in light of the amendments made to Claim 1, this rejection is also no longer well taken. As Applicant's representative noted to the Examiners during the Personal Interview of November 29, 2001, the references cited in this rejection clearly use mixtures of plant extracts. Applicant has amended its Claims to recite the use of only one active agent, an extract of *Hypericum perforatum*, thereby eliminating '914 and


'045 as relevant prior art (given their use of mixtures of extracts). Additionally, in view of the above discussed deficiencies of '756 which are not corrected by either of the other cited references, Applicant submits that this rejection has been mooted by the amendments to Claim 1 and requests that it be withdrawn.

As Applicant believes that the present application is now in a condition for allowance, Applicant respectfully requests that all grounds of rejection be withdrawn in this case.

In the event this paper is not timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300.

Respectfully submitted,


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Enclosures:

Notice of Appeal
Petition of Extension of Time (3 Months)
Marked Up Copy of Claims
Declaration of Dr. Peter K. T. Kang

MARKED UP COPY OF CLAIMS

1. (Twice Amended) A method of treating a health disorder [treatable] selected from the group consisting of chronic heart failure, congestive heart failure, ischemic condition, arrhythmia, angina pectoris, hypertension, hypoinsulinemia, hyperinsulinemia, diabetes mellitus, hyperaldosteronemia, epilepsy, a neurodegenerative disease and preterm labor, [with a T-type calcium channel blocker in an animal in need of such treatment,] the method comprising administering an effective amount of an active agent to said animal, wherein said active agent [is] consists of an extract of *Hypericum perforatum*[, a methanol or ethanol extract of *Hypericum*, an extract of a species of the *Hypericum* genus other than *Hypericum perforatum*, a *Hypericum* constituent, a hypericin derivative or a hypericin analog], and wherein said extract of *Hypericum perforatum* is the only active agent administered according to the method [with the proviso that when the active agent is *Hypericum perforatum* or a methanol or ethanol extract of *Hypericum*, said health disorder is not depression or migraine headache].